

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE ANNUITY, PENSION, WELFARE, TRAINING AND
LABOR MANAGEMENT COOPERATION TRUST FUNDS
OF THE INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL 14-14B, AFL-CIO, BY THEIR
TRUSTEES EDWIN L. CHRISTIAN, JOHN CRONIN,
THOMAS D. GORDON, KENNETH KLEMENS, JR.,
TYREEF BEVEL, JOHN F. O'HARE, WILLIAM TYSON
and MICHAEL SALGO, and INTERNATIONAL UNION OF
OPERATING ENGINEERS LOCAL 14-14B, AFL-CIO, BY
ITS BUSINESS MANAGER EDWIN L. CHRISTIAN,

~~PROPOSED~~
DEFAULT JUDGMENT

24-CV-7947 (KMK) (JCM)

Plaintiffs,

-against-

PCI INDUSTRIES CORP.,

Defendant.

Kenneth M. Karas, United States District Judge:

WHEREAS, Plaintiffs The Annuity, Pension, Welfare, Training and Labor Management Cooperation Trust Funds of the International Union of Operating Engineers Local 14-14B, AFL-CIO by their Trustees Edwin L. Christian, John Cronin, Thomas D. Gordon, Kenneth Klemens, Jr., Tyreef Bevel, John F. O'Hare, William Tyson and Michael Salgo ("Local 14 Trust Funds") and International Union of Operating Engineers Local 14-14B, AFL-CIO by its Business Manager Edwin L. Christian ("Local 14"), commenced the above-captioned action against Defendant PCI INDUSTRIES CORP. on October 18, 2024, under Sections 502 and 515 of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §§ 1132 and 1145, and Section 301 of the Labor Management Relations Act of 1947, as amended, 29 U.S.C. § 185 in order to recover fringe benefit contributions and supplemental union dues, defense fund and labor management trust payments based upon the breach of the terms and conditions of a collective bargaining agreement; and

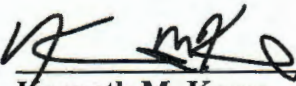
WHEREAS, after Defendant failed to appear or otherwise defend this action, the Clerk of the Court entered default against Defendant on June 4, 2024; and

WHEREAS, Defendant has failed to respond to the motion.

NOW, THEREFORE, IT IS ADJUDGED AND DECREED, that Plaintiffs' motion for a default judgment against Defendant is GRANTED and Plaintiffs are awarded the following damages in the total amount of \$62,925.30 which have been calculated as follows: (1) \$41,543.60 in unpaid ERISA contributions; (2) \$3,132.75 in unpaid supplemental union dues, defense fund and labor management trust payments; (3) \$6,081.33 in interest as calculated in the underlying deficiency report through September 9, 2024; along with (4) additional prejudgment interest calculated on the contributions owed to Plaintiffs Local 14 Trust Funds from September 10, 2024 through November 25, 2024 (the date of filing of the motion for a default judgment) in the amount of \$519.00;¹ (5) additional prejudgment interest from November 26, 2024 through the date of entry of judgment in the amount of \$300.48;² (6) statutory damages equal to the amounts calculated in interest as identified in (3) - (5) above in the amount of \$6,900.81; (7) prejudgment interest calculated on the supplemental union dues, defense fund and labor management trust payments owed to Plaintiff Local 14 from the intermediary date of January 1, 2022 through November 25, 2024 in the amount of \$818.34³ plus (8) additional prejudgment interest from November 26, 2024 through the date of entry of judgment in the amount of \$33.99⁴; (9) \$3,115.00 in attorney's fees; and (10) \$480.00 in costs.

SO ORDERED.

1/9/25


 Kenneth M. Karas
 United States District Judge

¹ In accordance with the interest formula identified in the Affidavit of Lisa Madeiras sworn to on November 25, 2024 6, interest has been calculated as follows: [(76 (number of days from September 10, 2024 through November 25, 2024)) x .06/365 x \$41,543.60].

² Interest has been calculated as follows: [44 (number of days from November 26, 2024 through January 8, 2025) x .06/365 x \$41,543.60].

³ Applying the same interest formula identified in the Madeiras Affidavit and the CPLR rate of 9% as proposed by Plaintiffs, interest has been calculated as follows: [(1,059 (number of days from January 1, 2022 through November 25, 2024)) x .09/365 x \$3,132.75].

⁴ Interest has been calculated as follows: [44 (number of days from November 26, 2024 through January 8, 2025) x .09/365 x \$3,132.75].